

## Superfund Division

### TRIBAL CONSULTATION AND COORDINATION

#### VARIOUS REMOVAL/REMEDIAL ISSUES

**Jackpile-Paguate Uranium Mine:** Superfund staff met with the Laguna Pueblo Council on March 18, 2016, to discuss the April 6, Community Kick-Off Meeting. The purpose for meeting with the Council was to present the information EPA would be sharing with the community on April 6<sup>th</sup>, regarding the start of a Remedial Investigation/Feasibility Study (RI/FS). A general technical overview of the Superfund process was shared with the Council and the Community. Information Guide folders were provided to kick-off the RI/FS start and to encourage community participation. On May 24, 2016, the Laguna Pueblo hosted a site tour with the Department of Justice, EPA Region 6, and British Petroleum (BP), formerly known as Atlantic Richfield Company and former operators of the Jackpile-Paguate Uranium Mine Site. The purpose of the site tour was to allow BP and its technical representatives to see the site since the time of mine closure. Legal representatives from all four parties met on May 23, and May 25, 2016 to discuss a path forward from the current enforcement activity and status as it affects the start of the RI/FS and the Superfund process. *Petra Sanchez, 214-665-6686*

**Quapaw Tribe:** The Quapaw Tribe Environmental Office is conducting a pilot project using soil amendments which have been applied to impacted soils to reduce the bioavailability of the metals of concern. The application of technical performance measures and long-term monitoring will determine whether the amendments are functioning as designed. The Tribe has performed the remedial action at another portion of tribal lands known as Beaver Creek North (CP060) and is currently performing the remedial action at Distal 13. *Rafael Casanova 214-665-7437*

**Quapaw Tribe:** An amendment to the cooperative agreement with the Quapaw Tribe was awarded in May 2016, in the amount of \$3,700,000. This award is to fund the Tribe to remove contamination from the Restricted Land Area of Tar Creek, Distal 13. *Kathy Gibson 214-665-7196*

**Tar Creek:** On June 28 and 29, the EPA will meet with all stakeholders to discuss issues related to OU5 and OU4, respectively. The EPA continues to coordinate with the tribal groups interested in the Tar Creek Site through periodic meetings and conference calls that provide updates and discussion opportunities related to progress and schedule for remedial action (OU2 and OU4) and Remedial Investigation (OU5). The next scheduled stakeholders meeting is scheduled for July 2016. EPA and other parties are planning a community session to present information of work being performed throughout the Tri State area. The tentative timeframe for this session is August. *Rafael Casanova 214-665-7437*

**Wilcox Oil Company:** Katrina Higgins-Coltrain (Remedial Project Manager) and Todd Downham (Oklahoma Department of Environmental Quality Project Manager) continue to coordinate with the tribal groups interested in the Wilcox Site. The ITEC, Sac and Fox Nation, Muscogee (Creek) Nation, Cherokee Nation, BIA, and IHS, are interested in the site and participate in the site meetings and visits. Update meetings and discussion related to the Remedial Investigation/Feasibility Study process, current status and progress, and schedule of future activities were held in April and March 2015. A meeting was

held August 26, 2015, to discuss and identify areas of cultural and historical significance that could be impacted by site related activities. On September 24, 2015, a follow-up site visit with the Muscogee (Creek) Nation cultural and historical preservation departments and Sac and Fox Nation was conducted. In addition, interested persons visited the site during field work conducted December 2015. Currently EPA is working to review field data from September and December 2015 and develop site-specific sampling. At this time, the documents are tentatively scheduled to be shared with the team in June/July 2016. Also, the July 2016 timeframe is tentative for the next open house with the community. *Katrina Higgins-Coltrain 214-665-8143*

**NM Abandoned Uranium Mines - Tronox Settlement:** Tronox was created in 2005 as a spinout of Kerr McGee and was saddled with massive environmental and legal liabilities. Tronox filed bankruptcy and filed a fraudulent conveyance suit against Kerr McGee and its successor, Anadarko. The U.S. Department of Justice finalized a \$5.2 billion settlement with Kerr McGee and Anadarko on January 23, 2015. EPA received \$985 million of the settlement to address legacy human health and environmental impacts at uranium mine sites in NM and on the Navajo Nation. The \$985 million will be used to fund the cleanup of approximately 50 abandoned uranium mines in NM and on the Navajo Nation. Of the 50 mines, 22 mines in NM were identified in the Tronox Settlement. EPA Regions 6 and 9, along with the Navajo Nation EPA and New Mexico Environmental Department (NMED) and New Mexico Energy, Minerals and Natural Resources Department (NMEMNRD) have established quarterly meetings to identify project activities and goals at the abandoned uranium mines. Investigations into the impacts on groundwater from legacy mining and milling with the potential risk to residents using groundwater as their domestic water supply continue as EPA Region 6 develops a conceptual site model tentatively scheduled to be released in FY18. Drilling of additional monitoring wells to assess water quality in the alluvial and bedrock aquifers began in July 2015 and was completed in February 2016. A non-time critical removal assessment on the Tronox NAUM East Geographic Subarea and associated areas in Ambrosia Lake began in July 2015 and was completed in completed in March 2016. The West Geographic Subarea is currently being assessed. The data is being utilized to prepare an EE/CA Report for the site. Meetings were held the week of June 13<sup>th</sup> with Region 6, Region 9, Navajo Nation, NMED, and NMEMNRD to discuss priorities for FY 2017. *Chris Villarreal 214-665-6758, Kevin Shade 214-665-2708, Jon Rinehart 214-665-6789, Warren Zehner 281-983-2229*

**Grants Mining District – Draft Five-Year Plan:** On October 9, 2015, Region 6 released the draft 2015-2020 Grants Mining District Five-Year Plan to the public, tribal, state and federal agencies for review and input. An offer of consultation was also extended to the Pueblo of Acoma and the Pueblo of Laguna on the draft plan. The draft plan can be downloaded from the Grants Mining District webpage (<http://www2.epa.gov/grants-mining-district>). Input was requested on the draft plan by November 13, 2015. The final Five-Year Plan is expected to be released in the summer of 2016. *Kevin Shade 214-665-2708, LaDonna Turner 214-665-6666*

## **BROWNFIELDS**

### **128A Tribal Response Program Updates:**

- Region 6 received FY16 Funding Requests from four FY16 128a Tribal Response Programs. All four requests were from existing 128a Tribal Response Programs: The Inter-Tribal Environmental Council (ITEC), Eight Northern Indian Pueblo Councils (ENIPC), Absentee Shawnee Tribe and the

Kickapoo Tribe of Oklahoma. The national budget for 128a funding remained at \$47.7M this year.

- The Region 6 Brownfields Program is partnering with the Region 6 GAP program to identify areas to better coordinate to promote grant efficiencies and effectiveness.
- The Tribal Lands and Environment Forum will be held in Uncasville, CT August 15-18.
- The EPA Brownfields Program is hosting a free Grant Writing Workshop October 4-6 in Addison, TX for applicants interested in Brownfields Assessment and Cleanup grants.
- *Amber Howard 214-665-3172*

#### **Inter-Tribal Environmental Council – Tribal Response Program**

The Inter-Tribal Environmental Council (ITEC) administers a 128a Tribal Response Program, building capacity since 2000. ITEC provides outreach to its 41 member tribes regarding what the Brownfields Program is, how it can benefit tribal lands and the services ITEC can provide (such as training, inventories and site assessments). ITEC's Brownfields Program disseminates information by visiting with tribes in person, hosting in the Tribal Summit, and utilizing its website and email news. ITEC's website provides information about Brownfields, including services offered and an inventory of brownfields sites that have been addressed with its program.

ITEC recently began the process of rewriting, amending, editing, and ultimately developing a new set of environmental statutes and regulations to assist with implementation of its Brownfields Program. ITEC is considering addressing vapor encroachment through its Brownfields Program. ITEC is also providing training such as ASTM to member tribes.

Recent assessment and technical assistance provided by ITEC include:

- The Delaware Nation Drum site has been referred to the EPA Removal program for a limited cleanup action. While conducting Phase I Environmental Assessment activities, ITEC encountered a room of unlabeled drums, many of which were unlabeled and appeared to be leaking. ITEC contacted EPA for assistance. The removal activities are currently underway.  
*Amber Howard 214-665-3172*

#### **Eight Northern Indian Pueblo Council – Tribal Response Program**

The Eight Northern Indian Pueblo Council (ENIPC) administers a 128a Tribal Response Program, building capacity since 2010. ENIPC is working to enhance and implement the Brownfields 128(a) program by: 1) providing outreach directly related to increasing awareness of Brownfields to communities and its response to help to develop the skills of program staff and the 22 Pueblo/Tribes, and 2) providing training to staff and Tribal environmental professionals about the USEPA State and Tribal Response Program and its elements. ENIPC continues to focus on outreach/training to the communities, its partnership with the New Mexico Environment Department State Response Program, as well as enhancing the structure of the 128(a) program - the survey and inventory, and the public record.

Recent assessment and technical assistance provided by ENIPC include:

- Phase I ESA on private property (agriculture land) for the Pojoaque Pueblo that the Pueblo will acquire for conversion of acquired property into tribal trust through Bureau of Indian Affairs (BIA).
- Phase I ESA on abandoned gravel mine on Cochiti Pueblo.

- Acoma Pueblo – McCarty School burnt building materials properly collected and disposed using GAP funding. Acoma was able to move forward with securing GAP funding to address McCarty School burnt building materials after ENIPC’s Phase I ESA.
- Pueblo of Isleta: After visiting Isleta shooting range in March 2016, ENIPC followed up with Pueblo of Isleta to screen soils in shooting range to confirm presence and concentration levels of lead in shooting range. The Pueblo of Isleta will follow with spot cleanup of hot spots identified through XRF screening by ENIPC. The shooting range is used by hunters of Pueblo of Isleta and is an important tribal resource for Pueblo of Isleta.
- Picuris Pueblo – Gym roof was repaired by Picuris after securing USDA funding of \$70,000. This included molded batting material identified in Phase I ESA provided by ENIPC. The gym is now and operational.
- *Amber Howard 214-665-3172*

#### **Absentee Shawnee Tribe – Tribal Response Program**

- The Absentee Shawnee Tribe (AST) relaunched its 128a Tribal Response Program in 2013. AST continues to promote sustainable and livable rural communities by establishing, maintaining and enhancing their Tribal Brownfield Response Program to protect disproportionately impacted low-income, minority, and Tribal communities. The Tribe continues to use the Tribal Response Program to preserve land and prevent land contamination by preparing for and responding to accidental or intentional releases of contaminants; ensuring clean up and restoration of polluted sites for reuse; reducing waste generation; maintaining an inventory of brownfields sites and reviewing the Tribal Solid Waste Code for necessary updates to ensure proper management of waste and petroleum products. The AST Tribal Response Program has partnered with the Oklahoma Department of Environmental Quality (ODEQ) and the Inter-Tribal Environmental Council’s Brownfields Program to secure Phase II site assessments and Certificates of Completion to further the reuse of Brownfields properties. *Amber Howard 214-665-3172*

Recent assessment and technical assistance provided by AST include:

- Housing Authority property - The AST is currently working with the Absentee Shawnee Housing Authority (ASHA) on a U.S. Department of Housing and Urban Development (HUD) Housing project. AST completed the NEPA Environmental Assessment, Finding of No Significant Impact and Request for Release of Funds documents. The AST is assisting the ASHA with the removal of 2 underground storage tanks and the capping a water well on the proposed housing addition site. The ASHA plans for the construction of 25 low income housing units located on the proposed site. *Amber Howard 214-665-3172*

#### **Kickapoo Tribe of Oklahoma – Tribal Response Program**

The Kickapoo Tribe of Oklahoma (KTO) began developing its 128a Tribal Response Program in October 2015. KTO strives to provide effective environmental programs that promote protection of the environment and human health with respect to surface water, drinking water, air, solid waste, underground storage tanks, hazardous waste, emergency response, environmental justice, pesticides and environmental planning projects. With the addition of a 128(a) program, KTO will complement existing services by developing a site inventory on tribal lands, strengthening the tribe’s capacity to respond to contaminated sites, fostering public participation through outreach and education and developing cleanup standards. Additionally,

KTO is partnering with both 128a and GAP to pilot a joint workplan to accomplish common goals of both programs. *Amber Howard 214-665-3172*

#### **TARGETED BROWNFIELDS ASSESSMENT ACTIVITIES**

**ENIPC:** ENIPC requested TBA assistance from EPA on Valmora tract (70-acres) that ENIPC owns. ENIPC wants to determine if former 11 structures built as a housing sub-division are salvageable for future reuse for office space, and sustainable agriculture activities. If structures are not salvageable, then ENIPC wants to evaluate costs to demolition structures – including abatement costs for asbestos, asbestos containing materials and lead-based paint. EPA TBA Program completed Phase I ESA on Valmora tract (70-acres) in early June 2016. A Phase II ESA to confirm presence of asbestos, asbestos containing materials and lead-based paint in administration building on Valmora tract will be completed by the end of June 2016 by the EPA TBA Program. During a site tour with ENIPC and NMED, EPA suggested inventorying salvageable contraction and architectural materials out of the 11 buildings on Valmora tract using Deconstruction Tool designed under Land Revitalization. Materials inside of buildings that are potentially salvageable are vigas, brick, Saltillo floor tile, decorative Mexican tile. *Karen Peycke 214-665-7273*

**Laguna Pueblo:** No new information regarding Laguna Pueblo “school bus barn” site in third quarter of FY 2016. *Karen Peycke 214-665-7273*

**Zuni Pueblo:** NMED completed asbestos abatement at closed Malco gas station at request and on behalf of Zuni Pueblo in first quarter of FY 2016. Zuni Pueblo plans to demolish structures on closed Malco gas station. *Karen Peycke 214-665-7273*

**Santa Clara Pueblo:** Santa Clara’s environmental contractor undertook asbestos abatement in the Judicial Building but discovered additional asbestos within walls not originally planned and did not have sufficient budget/funding to undertake. After meeting with EPA in March 2016, this issue was raised. EPA approached NMED about undertaking an asbestos survey and abatement plan on behalf of Santa Clara. Santa Clara also approached BIA for additional funding to undertake abatement activities identified by NMED’s asbestos survey and abatement plan in March 2016. Santa Clara will send in request for asbestos survey and abatement plan to NMED in June 2016.

EPA Superfund Site Assessment issued a no further action recommendation on the Bridges Radiator Shop in Espanola, NM in May 2016. EPA TBA Program offered to assist Santa Clara with environmental site assessment assistance on Bridges Radiator Shop. Additionally, EPA TBA Program will coordinate environmental site assessment activities with NMED if Santa Clara requests assistance from both EPA and NMED. Santa Clara Pueblo will evaluate what the reuse options are for Bridges Radiator Shop. *Karen Peycke 214-665-7273*

**Taos Pueblo:** ENIPC completed the Analysis for Brownfields Cleanup Alternatives for Taos Community and Health Services Building and former doctor office/residence burnt structure. EPA TBA Program completed cleanup plan for this site that included an option (estimated costs) to address septic tank fields. NMED will assist with cleanup on behalf of Taos Pueblo through NMED Brownfields RLF upon receipt of ABCA and cleanup plan. *Karen Peycke 214-665-7273*

**Santa Domingo Pueblo:** No new information about CC Housing Site in first two quarters of FY 2016.  
*Karen Peycke 214-665-7273*

**Cochiti Pueblo:** Region 6 nominated Cochiti Pueblo as a “Making a Difference to Communities” community for Green Infrastructure in FY 2015.

Cochiti Pueblo started working with EPA, NMED, BIA and Pena Blanca Water Authority to address the potential impacts from abandoned Cochiti Gravel Mine on area including drinking water well located in Pena Blanca but adjacent to mine in August 2013. EPA Brownfields Program coordinated with Emergency Response Branch, Tribal Office Site Assessment Section within EPA Region 6 and outside of EPA with NMED’s Drinking Water Bureau and NMED’s Brownfields Program to identify resources available to assist Cochiti Pueblo with identifying and confirming impacts from abandoned mine operations. The EPA Targeted Brownfields Assessment Program set aside funding to undertake a Phase I and II ESA in FY 2014. NMED’s Drinking Water Bureau is working with Pena Blanca Water Authority to develop a second source for drinking water well in area and noted that Pena Blanca drinking water well will be sampled in 2014. Note, Cochiti Pueblo governor office is a one year term, the new Governor entered office in January 2014 and a new Governor will enter office in January 2015. EPA TBA Program received requests for Phase I and II ESA at the abandoned gravel mine in February 2014. ENIPC finalized Phase I ESA on Cochiti’s abandoned gravel. EPA TBA Program completed soil gas survey of the mine staging area and sampled the single source drinking water well operated by Pena Blanca Water Board – adjacent to staging area of abandoned gravel mine. In September 2015, the Cochiti Pueblo Council and Governor were briefed about Targeted Brownfields Assessment assistance completed (soil gas survey and sample of drinking water well) and follow-up Phase II ESA planned for the Cochiti’s abandoned gravel mine planned. Note – the drinking water well sample results did not indicate contamination of water from heavy metals or petroleum products.

Using the completed soil gas survey results, EPA briefed the Cochiti Pueblo staff and consultant; and the Pena Blanca Water Board on survey results of the Cochiti’s abandoned gravel mine staging area. At request of Cochiti Pueblo and Pena Blanca Water Board, EPA provided sample approach for next Phase II ESA to sample surface and sub-surface soils of the mine staging area for comments/input from Cochiti Pueblo and Pena Blanca Water Board. Additionally, NMED asked to split sub-surface soil sampling with EPA to collect data at a difference depth. EPA will also extend surface and sub-surface soil sampling to the perimeter of the mine in the Phase II ESA sampling plan. EPA incorporated Cochiti Pueblo, Pena Blanca Water Board and NMED comments to sample approach and will complete Phase II ESA sampling plan by November 2015.

NMED has offered to sample private water wells located on residences that are adjacent to Cochiti’s abandoned gravel mine. Additionally, NMED has offered to undertake quarterly sampling of single source drinking water well at the request of the Pena Blanca Water Board – as follow-up to EPA’s TBA sampling of well.

EPA coordinated with Cochiti Pueblo, Pena Blanca Drinking Water Board, Rural Waters (non-profit) and NMED to design a sampling plan to confirm presence of solvents, hydrocarbons and heavy metals in surface soils, below surface ground soils (6 feet interval NMED will sample and 12 feet interval EPA TBA contractor will sample) for a follow-up Phase II ESA. The field work for the follow-up Phase II ESA started the week of March 14, 2016. The final Phase II ESA report will be completed in June 2016. Next steps will be to go over follow-up Phase II ESA results with Cochiti Pueblo, Pena Blanca Water Board through a conference call. Additionally, Region 6 will write a scope of work for Land Revitalization



contract to provide visioning/planning assistance on abandoned gravel mine. *Karen Peycke 214-665-7273*

**Pueblo of Isleta:** After visiting Isleta shooting range in March 2016, ENIPC followed up with Pueblo of Isleta to screen soils in shooting range to confirm presence and concentration levels of lead in shooting range. The Pueblo of Isleta will follow with spot cleanup of hot spots identified through XRF screening by ENIPC. The shooting range is used by hunters of Pueblo of Isleta and is an important tribal resource for Pueblo of Isleta. *Karen Peycke 214-665-7273*

**Cochiti Pueblo:** NMED has offered to sample private water wells located on residences that are adjacent to Cochiti's abandoned gravel mine. Additionally, NMED has offered to undertake quarterly sampling of single source drinking water well at the request of the Pena Blanca Water Board – as follow-up to EPA's TBA sampling of well.

EPA coordinated with Cochiti Pueblo, Pena Blanca Drinking Water Board, Rural Waters (non-profit) and NMED to design sampling plan to confirm presence of solvents, hydrocarbons and heavy metals in surface soils, below surface ground soils for a follow-up Phase II ESA. The field work for the follow-up Phase II ESA started the week of March 14, 2016. The final Phase II ESA report will be completed in June 2016. Next steps will be to go over follow-up Phase II ESA results with Cochiti Pueblo and Pena Blanca Water Board through a conference call. Additionally, Region 6 is planning to provide visioning/planning assistance on abandoned gravel mine. *Karen Peycke 214-665-7273*

#### **LAND REVITALIZATION**

**Choctaw Nations Promise Zone:** Choctaw Nation requested Brownfields training for its staff in place of hosting a Brownfields 101 webinar for communities in FY 2016. *Karen Peycke 214-665-7273*

#### **TRIBAL TRAINING**

**XRF Screening and Sampling Training:** NMED provided examples of XRF screening and sampling plans to evaluate lead concentrations from expelled bullets on shooting ranges to ENIPC in May 2016. Additionally, NMED offered to provide field training to ENIPC when ENIPC deploys XRF on Isleta's shooting range. *Karen Peycke 214-665-7273*

**Potential Responsible Parties (PRP) Training:** EPA Superfund Enforcement Section is coordinating with ITEC to conduct PRP Training in August in Oklahoma. Specific date and location is to be determined. *Lydia Johnson 214-665-8419*